

REMARKS

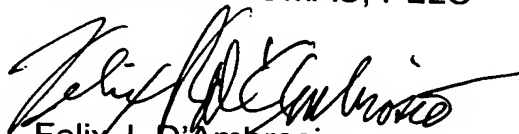
Receipt of the Office Action of October 27, 2009 is gratefully acknowledged. In response to the noted Office Action an RCE application has been filed to incorporate further prior art in an IDS, to amend claim 6 to overcome the objection thereof, and to add claim 13 for examination. Claim 13 introduces the security mechanism.

Regarding the rejection of claims 6, and 6 - 12 under 35 USC 103(a) over Nixon et al in view of Grittke, and the rejection of claim 7 under 35 USC 103(a) over Nixon in view of Grittke and Wittmer, it is noted that Nixon does not match-up with claim 6 as suggested by the examiner. For example, the abstract does not, it is respectively submitted, transfer software code. It does teach manipulating data but not transferring it from a control unit to a field device. Data transfer and transferring software code are not exactly the same. One might see similarities, but that is not enough to reach unpatentability.

Reconsideration of the claims included in this RCE application in view of the foregoing is respectfully requested and claims 6 - 13 found allowable.

Respectfully submitted,
BACON & THOMAS, PLLC

Date: October 8, 2010


Felix J. D'Ambrosio
Attorney for Applicant
Registration Number 25,721

Customer Number *23364*
BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Telephone: (703) 683-0500
Facsimile: (703) 683-1080

S:\Producer\fd\CLIENTS\Endress+Hauser Holding GmbH\IDAS\3004-PS0018\Oct 8, 2010 response.wpd